

REMARKS/ARGUMENTS

The claims have not been amended. They are presented above simply for the Examiner's convenience.

The obviousness rejection based on Bienick (U.S. 6,422,673) is traversed because the reference does not disclose the invention as claimed. In addition, the reference does not qualify as prior art against the present application.

Bienick relates to a shelf whose frame has resilient fingers that permit the panel to be snapped into place:

The fingers and specifically a terminal-free end of each finger is relatively resilient and the dimensioning of the width of the glass panel and the distance between the opposing fingers is such that the glass panel can be snap-secured along its side edges into the side edge-receiving channels of the frame.

Col. 2, lines 42-46 of Bienick. The glass being snapped in thus must be dimensioned such that it can fit into the as-made frame, already of a certain size. Because of this relative dimensioning, the Bienick construct would not provide a compressive lateral pressure of 5-15 MPa between an edge of the panel and the frame, but at best would "pinch" or "clamp" the panel between an upper surface of the frame and the resilient fingers.

Even this bottom-to-top "pinching" or "clamping" pressure in Bienick is insufficient to maintain normal product loading when in use, as evidenced by the fact that the Bienick fingers must be supported by refrigerator compartment side wall ribs or channels:

Most importantly, the fingers of the side frame portions slide upon and are supported by the refrigerator compartment side wall ribs or channels which effectively resist any tendency of the glass panel edges to snap outwardly of the fingers in a downward direction under product loading of the glass panel.

Col. 2, lines 53-58 of Bienick. See also Figures 3 and 4 thereof and col. 6, lines 7- 34 of the reference. Regardless, there is no compressive lateral pressure of 5-15 MPa between an edge of the panel and the frame in the reference shelf.

Caruso, cited in combination with Bienick in rejecting Claim 7 does not make up for that lacking in the primary reference. Caruso relates to an improved crisper module and, in pertinent part, simply describes a plastic frame molded around the edges of a glass panel with steel strips embedded in the molding. Such molding typically refers to the prior art “encapsulation” method described at page 1 of the present specification. Moreover, Caruso fails to disclose the presently claimed tabs or the compressive lateral pressure of 5-15 MPa applied between an edge of the panel and the polypropylene structure.

With regard to Bienick qualifying as prior art, on March 3, 2006 Applicant filed certified English translations of both his PCT filing and original French filing. These translations perfect priority and establish Applicant’s priority filing date of March 27, 2001.

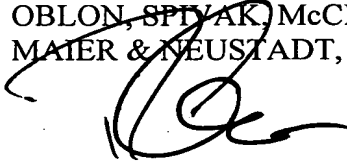
Concerning Applicants’ PCT filing, PCT/FR02/00482, to which priority has been claimed and perfected, see (referring to the English translation) page 1, lines 1-10, the paragraph bridging pages 2 and 3, page 3, lines 10-29, page 4, lines 5-8, page 5, lines 30-31, page 6, lines 20-24, page 8, line 12, page 10, lines 3-8 and the Figures, which correspond to those originally filed with the present application. With regard to Applicant’s French filing of March 27, 2001, France 01 04129, to which priority has also been claimed and perfected, see (again referring to the English translation) page 1, lines 1-10, the paragraph bridging pages 2 and 3, page 3, lines 11-28, page 4, lines 21-22, page 5, lines 20-21, page 6, lines 9-13, page 7, line 27, page 8, lines 18-20, page 14, lines 12-14, page 14, line 35 – page 15, line 12 and Figure 2, corresponding to Figure 2 herein, showing the formation of a small rim or edge protruding over the top face of the panel.

Accordingly, Applicant’s effective filing date is March 27, 2001. Bienick, on the other hand, has a U.S. filing date of April 16, 2001, which is after Applicant’s date. Thus, Bienick does not qualify as prior art against the present application.

Accordingly, and in view of the differences between what is claimed herein and what is disclosed by the prior art, Applicant respectfully requests that the outstanding rejections be withdrawn and that this case be passed to Issue. Should any questions remain, Examiner Wilkens is requested to contact the below-signed attorney who will expedite any further necessary changes.

Respectfully submitted,

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